

House Study Bill 101 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
HUMAN RESOURCES BILL BY
CHAIRPERSON MILLER)

A BILL FOR

1 An Act relating to the licensure of acupuncturists.

2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 147.1, subsection 6, Code 2015, is
2 amended to read as follows:

3 6. "*Profession*" means medicine and surgery, podiatry,
4 osteopathic medicine and surgery, practice as a physician
5 assistant, psychology, chiropractic, nursing, dentistry,
6 dental hygiene, dental assisting, optometry, speech pathology,
7 audiology, pharmacy, physical therapy, physical therapist
8 assisting, occupational therapy, occupational therapy
9 assisting, respiratory care, cosmetology arts and sciences,
10 barbering, mortuary science, marital and family therapy, mental
11 health counseling, social work, dietetics, massage therapy,
12 athletic training, acupuncture and oriental medicine, nursing
13 home administration, hearing aid dispensing, sign language
14 interpreting or transliterating, orthotics, prosthetics, or
15 pedorthics.

16 Sec. 2. Section 147.2, subsection 1, Code 2015, is amended
17 to read as follows:

18 1. A person shall not engage in the practice of medicine
19 and surgery, podiatry, osteopathic medicine and surgery,
20 psychology, chiropractic, physical therapy, physical
21 therapist assisting, nursing, dentistry, dental hygiene,
22 dental assisting, optometry, speech pathology, audiology,
23 occupational therapy, occupational therapy assisting,
24 orthotics, prosthetics, pedorthics, respiratory care,
25 pharmacy, cosmetology arts and sciences, barbering, social
26 work, dietetics, marital and family therapy or mental health
27 counseling, massage therapy, mortuary science, athletic
28 training, acupuncture and oriental medicine, nursing home
29 administration, hearing aid dispensing, or sign language
30 interpreting or transliterating, or shall not practice as a
31 physician assistant, unless the person has obtained a license
32 for that purpose from the board for the profession.

33 Sec. 3. Section 147.13, subsection 1, Code 2015, is amended
34 to read as follows:

35 1. For medicine and surgery, osteopathic medicine and

1 surgery, and acupuncture and oriental medicine, the board of
2 medicine.

3 Sec. 4. Section 148E.1, Code 2015, is amended by adding the
4 following new subsections:

5 NEW SUBSECTION. 1A. "*Acupuncture needle*" means a solid
6 core instrument including but not be limited to acupuncture
7 needles, dry-needling needles, dermal needles, intradermal
8 needles, press tacks, plum blossom needles, prismatic needles,
9 and disposable lancets.

10 NEW SUBSECTION. 1B. "*Acupuncture point*" means a specific
11 anatomical location on the human body that serves as a
12 treatment site for using acupuncture.

13 NEW SUBSECTION. 2A. "*Ashi acupuncture point*" means an
14 acupuncture point that is located according to tenderness upon
15 palpation.

16 NEW SUBSECTION. 3A. "*Licensee*" means a person holding a
17 license to practice acupuncture and oriental medicine granted
18 by the board pursuant to this chapter.

19 NEW SUBSECTION. 3B. "*Meridians*" means connected points
20 across the human anatomy that affect a specific organ or other
21 part of the body.

22 NEW SUBSECTION. 3C. "*Oriental medicine*" means the use of
23 any of the following:

24 a. Moxibustion, cupping, thermal methods, magnets, gua sha
25 scraping techniques, acupatches, herbal poultices, hot and cold
26 packs, electromagnetic wave therapy, light and color therapy,
27 sound therapy, or therapy lasers.

28 b. Massage, acupressure, reflexology, shiatsu and tui na
29 massage, or manual stimulation, including stimulation by an
30 instrument or mechanical device that does not pierce the skin.

31 c. Herbal medicine and dietary supplements, including those
32 of plant, mineral, animal, and nutraceutical origin.

33 d. Lifestyle advice and counseling including but not limited
34 to diet, exercise, meditation, breathing techniques, mind-body
35 techniques, and spiritual guidance.

1 e. Any other adjunctive service or procedure that is
2 clinically appropriate based on the licensee's training
3 as approved by the national certification commission for
4 acupuncture and oriental medicine or the accreditation
5 commission for acupuncture and oriental medicine.

6 Sec. 5. Section 148E.1, subsections 1, 2, and 4, Code 2015,
7 are amended to read as follows:

8 1. "*Acupuncture*" means a form of health care developed
9 from traditional and modern oriental medical concepts that
10 employs acupuncture, oriental medical diagnosis and treatment,
11 and adjunctive therapies and diagnostic techniques, for the
12 promotion, maintenance, and restoration of health, improvement
13 of bodily function, and the prevention of disease.

14 2. "*Acupuncturist*" means a person who is engaged in the
15 practice of acupuncture and oriental medicine.

16 4. "*Practice of acupuncture and oriental medicine*" means:
17 ~~the insertion of acupuncture needles and the application of~~
18 ~~moxibustion to specific areas of the human body based upon~~
19 ~~oriental medical diagnosis as a primary mode of therapy.~~
20 ~~Adjunctive therapies within the scope of acupuncture~~
21 ~~may include manual, mechanical, thermal, electrical, and~~
22 ~~electromagnetic treatment, and the recommendation of dietary~~
23 ~~guidelines and therapeutic exercise based on traditional~~
24 ~~oriental medicine concepts~~

25 a. The stimulation or piercing of the skin with an
26 acupuncture needle for any of the following purposes:

27 (1) To evoke a therapeutic physiological response, either
28 locally or distally to the area of insertion or stimulation.

29 (2) To relieve pain or treat the neuromusculoskeletal
30 system.

31 (3) To stimulate ashi points to relieve pain and
32 dysfunction.

33 (4) To promote, maintain, and restore health, improve
34 bodily function, and prevent disease.

35 (5) To control and regulate the flow and balance of energy

1 in the body according to the practice of acupuncture and
2 oriental medicine.

3 (6) To stimulate the body according to auricular, hand,
4 nose, face, foot, or scalp acupuncture therapy.

5 (7) To use acupuncture needles with or without the use of
6 herbs, electric current, or application of heat.

7 b. The use of oriental medicine.

8 Sec. 6. Section 148E.2, subsection 1, paragraph b, Code
9 2015, is amended to read as follows:

10 b. Successful completion of a three-year postsecondary
11 training program or acupuncture college program which is
12 accredited by, in candidacy for accreditation by, or which
13 meets the standards of the ~~national accreditation commission~~
14 ~~for schools and colleges of acupuncture and oriental medicine~~
15 accreditation commission for acupuncture and oriental medicine.

16 Sec. 7. Section 148E.3, Code 2015, is amended by adding the
17 following new subsection:

18 NEW SUBSECTION. 3. A licensed professional utilizing
19 oriental medicine techniques as long as the licensed
20 professional acts within the professional's lawful scope of
21 practice.

22 Sec. 8. Section 148E.6, subsection 7, Code 2015, is amended
23 by striking the subsection.

24 EXPLANATION

25 The inclusion of this explanation does not constitute agreement with
26 the explanation's substance by the members of the general assembly.

27 This bill expands the definition of acupuncture and adds
28 definitions related to the practice of acupuncture and oriental
29 medicine. The bill updates the name of the accreditation
30 organization for the practice of acupuncture and oriental
31 medicine.

32 Currently, an acupuncturist must provide notice to new
33 patients that a license to practice acupuncture does not
34 authorize an acupuncturist to practice medicine and surgery
35 and that the services of an acupuncturist must not be

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1 regarded as diagnosis, treatment, opinion, or advice from a
2 physician. The bill eliminates that notice requirement. An
3 acupuncturist would still be required to provide notice of the
4 acupuncturist's qualifications, licensure status, compliance
5 with the board's rules, contact information, and fee schedule.